

IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF GEORGIA  
DUBLIN DIVISION

FILED  
U.S. DISTRICT COURT  
AUGUSTA DIV.

2017 FEB -2 AM 9:37

CLERK C Adams  
SO. DIST. OF GA.

TERESA POPE HOOKS,  
individually; and ESTATE OF  
DAVID HOOKS, by Teresa Pope  
Hooks, Administratrix,

Plaintiffs,

v.

CHRISTOPHER BREWER; STEVE  
VERTIN; WILLIAM "BILL"  
HARRELL; and RANDALL DELOACH,

Defendants.

CV 316-023

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O R D E R

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Presently before the Court is the parties' Consent Motion to Dismiss Randall Deloach as a Party Defendant. (Doc. No. 61.) In their single-sentence motion, the parties "move the Court for an Order by which [Defendant] Randall Deloach will be dropped as a party defendant pursuant to the authority of Fed. R. Civ. Pro. 21." (Id.) Notably, however, the parties attached to their motion a proposed order to be entered by the Court, wherein the parties again propose that Defendant Deloach be "dropped as a party defendant in this action pursuant to the authority of Fed. R. Civ. Pro. 21," but add that "[t]he claims against [Defendant] Deloach are dismissed with prejudice, with each party to bear their own respective costs and attorney's fees." (Doc. No. 61-1.) On January 31, 2017, the parties' respective counsel informed the Court telephonically that the parties intended their motion to act as a dismissal with prejudice of

Plaintiffs' claims against Defendant Deloach. Accordingly, the Court construes the parties' motion as a stipulation of dismissal with prejudice as to Defendant Deloach pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii).

Upon due consideration, the Court finds that dismissal of Defendant Deloach is appropriate under Federal Rule of Civil Procedure 41(a)(1). **IT IS THEREFORE ORDERED** that Plaintiffs' claims against Defendant Randall Deloach are **DISMISSED WITH PREJUDICE**. Each party shall bear their own costs.

**ORDER ENTERED** at Augusta, Georgia, this 2nd day of February, 2017.

  
UNITED STATES DISTRICT JUDGE